

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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DERRICK H. KNIGHT,

Plaintiff,

v.

CACH, LLC, a Colorado Limited Liability  
Company, and G. REYNOLDS SIMS &  
ASSOCIATES, P.C., a Michigan Professional  
Corporation,

Defendants.

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**COMPLAINT**

**JURY TRIAL DEMANDED**

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**INTRODUCTION**

1. This is an action for damages, brought by a consumer against debt collectors for violating the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) (FDCPA) and 28 U.S.C. § 1331.

3. Venue in this judicial district is proper because all defendants do business in this district and the conduct complained of occurred in this district, pursuant to 28 U.S.C. § 1391(b)(2).

**PARTIES**

4. Plaintiff, Derrick H. Knight, is an adult, natural person residing in Sunfield, Eaton County, Michigan. Mr. Knight is a “consumer” and “person” as the terms are defined and used in the FDCPA. Mr. Knight is a “consumer,” “debtor” and “person” as the terms are defined and used in the MCPA and MOC.

5. Defendant G. Reynolds Sims & Associates, P.C. (“Sims”), is a private professional corporation, doing business at 2075 W. Big Beaver Road, Suite 200, Troy, MI 48084. Its Resident agent is G. Reynolds Sims, 2075 W. Big Beaver Road, Suite 200, Troy, MI 48084. Sims uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. Sims regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Sims is a “regulated person” as the term is defined and used in the MCPA. Alternatively, Sims is a “collection agency” and “licensee” as the terms are defined and used in the MOC.

6. Defendant CACH, LLC (“CACH”), is a Colorado limited liability company, with offices at 4340 S. Monaco Street, 2<sup>nd</sup> Floor, Denver, Colorado 80237. The registered agent for CACH is The Corporation Company, 1675 Broadway, Suite 1200, Denver, Colorado 80202. CACH and its affiliated entities are in the business of purchasing delinquent consumer debt, often paying less than five cents on the dollar. CACH uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. CACH regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. CACH is a “debt collector” as the term is defined or used in the FDCPA. CACH is a “regulated person” as the term is defined and used in the MCPA.

### **FACTS**

7. On or about April 2, 2014, defendants filed a civil action against the Knight in the 63<sup>rd</sup> District Court in Grand Rapids, Michigan, Case No. D14C02283GC.

8. The 63<sup>rd</sup> Judicial District consists of the county of Kent, except the cities of Grand Rapids, Walker, Grandville, Wyoming and Kentwood. MCL 600.8130(4).

9. Defendants' state court collection suit was filed in an attempt to collect money allegedly due for monies originally loaned by Citifinancial, Inc., and subsequently purchased by CACH. The debt allegedly owed by the Knight was incurred primarily for personal, family or household purposes and was a "debt" within the meaning of the FDCPA, 15 U.S.C. § 1692a(5).

10. A copy of the summons and complaint filed by the defendants in the state court collection action is attached hereto as Exhibit 1.

11. The summons and complaint filed by defendants in the state court action correctly stated plaintiff's address, which is in the Village of Sunfield, Eaton County, Michigan.

12. The Statement of Account, Exhibit "A" to the summons and complaint in the state court collection action, reflects Mr. Knight's address as 162 Second Avenue, Sunfield, Michigan.

13. Defendants caused the summons and complaint to be served on Mr. Knight at his residence in Sunfield, Eaton County, Michigan.

14. The FDCPA states that a debt collector may file a collection suit against a consumer only in the judicial district in which the consumer signed a contract sued upon or in which the consumer resides at the commencement of the action. 15 U.S.C. § 1692i.

15. When Defendants filed the collection lawsuit against Mr. Knight, he was residing in Eaton County, Michigan.

16. The contract sued upon was not signed by Mr. Knight in Kent County, Michigan

17. Mr. Knight resided for less than two months with his mother in Kent County, Michigan in December 2012 through January 2013.

18. Mr. Knight has lived in Eaton County, Michigan, since February 2013.

19. When defendants filed the collection lawsuit against Mr. Knight, they had no legitimate reason to believe that Mr. Knight was then residing in Kent County, Michigan.

20. By filing the collection action in the wrong judicial district, defendants violated the FDCPA, 15 U.S.C. § 1692i.

21. As a result of defendants' violations of the FDCPA described above, plaintiff has incurred expenses for legal representation and has lost time and inconvenience.

**RELIEF REQUESTED**

Wherefore, Plaintiff seeks judgment against Defendants for:

- a. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages in the amount of \$1,000, pursuant to 15 U.S.C. § 1692k(a)(2);
- c. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3).

Dated: February 11, 2015

/s/ Kristen L. Krol  
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